

REMARKS

This Response is submitted in reply to the Office Action mailed on February 5, 2008. The Office Action requires that Applicants elect the presence or the absence of a specific species of a molecule that stimulates energy metabolism and/or an antioxidant. Applicants respectfully traverse the election of species requirement in that, because they have not previously elected Group I which includes Claims 2-3 and 4-5, they do not believe an election of species is necessary with respect to the molecule that stimulates energy metabolism and/or specific antioxidants or the type of composition.

In the spirit of responsiveness, Applicants elect the presence of a molecule that stimulates energy metabolism. Applicants elect carnitine as the molecule. Applicants also elect the presence of an antioxidant and elect Vitamin C as the antioxidant. Should the non-elected species not be rejoined, Applicants expressly reserve the right to file one or more divisional applications directed to the non-elected species.

The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. 02-1818.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY 

Robert M. Barrett  
Reg. No. 30,142  
Customer No.: 29157

Dated: March 5, 2008